

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

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-v.- : ORDER OF RESTITUTION

DANIEL E. MARINO, : 05 Cr. 1036 (CM)

Defendant. :  
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WHEREAS, on September 29, 2005, DANIEL E. MARINO, the defendant, pleaded guilty to conspiracy to commit investment adviser fraud, mail fraud and wire fraud, in violation of 18 U.S.C. § 371; investment adviser fraud, in violation of 15 U.S.C. §§ 80b-6 and 80b-17; mail fraud, in violation of 18 U.S.C. § 1341; and wire fraud, in violation of 18 U.S.C. § 1343;

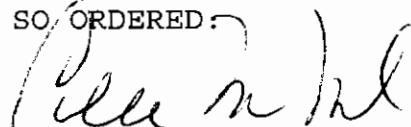
WHEREAS, on January 29, 2008, DANIEL E. MARINO, the defendant, was sentenced, inter alia, to a term of 20 years in prison, and to pay restitution in an amount and manner to be determined by the Court at a later date;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that DANIEL E.

MARINO, the defendant, shall pay a total of \$300,000,000.00 in restitution to the persons, and in the individual amounts, identified on Attachment A annexed hereto.

Dated: New York, New York  
April 14, 2008

SO ORDERED:

  
HONORABLE COLLEEN McMAHON  
UNITED STATES DISTRICT JUDGE

## ATTACHMENT A

BAYOU		
Proposed List of Victims		
Investor Name	Alternate Contact	Loss Amount
<b>ON-SHORE FUNDS</b>		
1331 Foundation	Israel, Lawrence J.	\$ 145,000
305 Partners LP	Jenkins, James C.	\$ 2,500,000
A. W. Jones Company	Burch, Robert	\$ 5,000,000
Adams, Eula		\$ 400,000
Ad-In Partners	Spiro, William	\$ 1,000,000
Administrators for the Professions, Inc.	Weyand, Michael	\$ 350,000
Alan J Schottenstein Family Limited Partnership	Manager, Office	\$ 1,000,000
Allen, Joe E.		\$ 1,100,000
Ark Multi-Manager Fund, LP	Krieger, John	\$ 450,000
Arntz Builders Profit Sharing Trust	Arntz, K. Allan	\$ 750,000
Arntz Family Foundation	Arntz, K. Allan	\$ 1,500,000
Thomas E & Andrea J Arntz ttee Arntz Family Revoc. Trust dtd 5/3/2001	Arntz, K. Allan	\$ 500,000
Aron, Jacqueline	Lafayette Enterprises	\$ 200,000
Aron, Peter A	Lafayette Enterprises	\$ 200,000
Aron, Robert	Lafayette Enterprises	\$ 200,000
Asgard LLC	Jackson, Christopher	\$ 1,000,000
AW Jones Hedged Equity LP	Burch, Robert L.	\$ 1,450,000
Rushton O. Backer IRA		\$ 250,000
John W. Bailey IRA	c/o Donald Abernathy	\$ 500,000
Trail Ridge Flatiron Fund LP	Finley, J. D.	\$ 400,000
Silver Creek Long/Short Holdings LLC	Dillion, Eric	\$ 43,000,000
Beckwith Invest Ltd Partnership	Trabucco, John	\$ 2,000,000
Benning Management Group Defined Benefit Pension Plan	Lacher, Ralph	\$ 455,000
Bermuda Fund, LP	Keck, Robert T.	\$ 5,000,000
MB Absolute Return Fund Ltd.	Bloom, Mark E.	\$ 1,300,000
Dr. Edward Besner IRA		\$ 248,000
Betty & Jay Partners LP	Mangene, David	\$ 500,000
Broad-Busse Family LP	Bussel, Dan	\$ 1,250,000
Burton Partners III LP	Glenn, II, Thomas K.	\$ 2,000,000
Cadmus Partnership Ltd	Ross, Stephen M.	\$ 1,570,000
Cambridge Marketing Pension Plan	Schaeffer, Hillary E., Esq.	\$ 280,000
John Candela Revocable Trust		\$ 1,250,000
Capital Appreciation Partners, LP	Snyder, Alan C.	\$ 700,000
Glass, Caroline B.		\$ 1,140,000
Citco Global Custoday (NA) NC KBCFB (CI) as nominee for TS	Costello, Ciara	\$ 663,500
Rollover IRA of Shelton Clyatt, Jr.		\$ 500,000
Colchis Capital Partners LP	Conrads, Robert & Edward	\$ 2,000,000
Coleman, Katherine & T Brooks		\$ 500,000
Cary Cooper IRA		\$ 230,000
Cottonwood Fund Series of the SALI Multi-Series Fund, LP	Nieman, Thomas	\$ 2,000,000
Croesus Investment Partners VIII LP	Mangene, David	\$ 2,627,000
Myron Crystal IRA		\$ 255,857
Culiss, Gary		\$ 250,000
Custom Strategies L.P.	Johnson, MaryAnn	\$ 2,087,450
Daley Investment Trust	Daley, Joe	\$ 150,000
Danforth, Brad		\$ 150,000
DB Structured Products Inc.	Alfonso, Rosaria	\$ 15,810,800
Dentistry and Design Employees Profit Sharing Plan & Trust	Putten, Clifford Van	\$ 500,000
DePauw University	Bice, Keith	\$ 3,250,000
Dr. Philip Markin Profit Sharing Plan & Trust		\$ 550,000
Jake Easton III IRA		\$ 350,000
E-C Fund LP	Buik, Richard	\$ 1,300,000
Eclipse Fund LLC	Cunningham, Brian	\$ 1,250,000
Kenneth A and Roberta E Eldred Revocable Trust	Eldred, Kenneth & Roberta	\$ 1,000,000
ESUM Partnership #2	Muse, Albert	\$ 900,000
Eye & Ear Foundation	Muse, Albert	\$ 1,200,000
Thomas Feit IRA		\$ 350,000
Fekete, Michael & Susan		\$ 500,000
Feldman, Jeffrey		\$ 400,000
Fine Family Trust	Fine, Ira & Barbara	\$ 200,000
Fine Management Corporation Money Purchase Pension Plan	Fine, Ira	\$ 175,491
Harold Foonberg Family Trust	Manager, Trust	\$ 350,000
Byron Foster Trust	Mangene, David	\$ 500,000
FKB Trust	Bowers, Fred	\$ 500,000
GIF Inc.	McAlister, J.D.	\$ 700,000

## ATTACHMENT A

Investor Name	Alternate Contact	Loss Amount
Gleason, Thomas		\$ 300,000
Ronald Greenspan IRA		\$ 250,000
Guardian Two LP	Gardner, Timothy	\$ 900,000
Habib, Farzana S.		\$ 50,000
Robert Harrigan IRA		\$ 350,000
Andrew Heck		\$ 420,000
High Sierra Investments	Guillen, Trini	\$ 1,700,000
Hill, Bruce H. C.		\$ 250,000
Hill, Christopher C.		\$ 1,450,000
Hill, Russell L. C.		\$ 1,000,000
Norman Hirsch		\$ 150,000
Holland, Betsy A.		\$ 450,000
InAltra US World Fund LP	David, Zale	\$ 500,000
Christine Incontro IRA		\$ 300,000
Sands, Lenny & Corrine		\$ 242,175
Israel, Ann R.		\$ 100,000
Jordan Family Revocable Trust dtd 8/25/95	Jeffrey D & Karen Jordan, TTEES	\$ 1,000,000
Jepson, Hans G.	Jepson, Hans G.	\$ 100,000
Kaplan Jones Family Trust	Kaplan, Mitchell	\$ 350,000
Kaplan Stahler Agency Retirement Trust Define Pension Plan	Kaplan, Mitchell	\$ 400,000
Gerson Kaplan IRA	Kaplan, Mrs Chaya Morman, Kaplan, IRA	\$ 850,000
Ann Keller Lingo Revocable Trust	Lingo, Ken	\$ 1,000,000
Killinger, Scott		\$ 210,000
Klement, Amy Rowe		\$ 200,000
Koret Foundation	Hardin, Claudia	\$ 1,750,000
Krueger, K H Wm		\$ 500,000
Lacher Family Trust	Lacher, Ralph & Jackie	\$ 330,000
Latta Family Trust	Latta, Laurence	\$ 400,000
Lawrence, Francis & Helen	c/o Grant, Tani, Barash & Altman, Inc.	\$ 250,000
Lawson, H Blaine Jr		\$ 500,000
LIBOR Partners	Jenkins, James	\$ 2,000,000
Lingo, Ken		\$ 400,000
Long Short Fund I	Droz, Garay P.	\$ 2,900,000
Longboat Capital Partners	Capizzi/Smith, Mike/Kyle	\$ 2,000,000
Louis Marsh Living Trust dated 10/12/04	Young, Stanford, President	\$ 750,000
Donald MacShane IRA		\$ 681,798
Mann, Michael		\$ 46,100
MAPS Charter Fund LP	Smith, Kyle	\$ 1,250,000
Marini, Paul A.		\$ 500,000
Mayfield Investment Partners LP	Smith, Kyle P.	\$ 750,000
McKee, Donald F. & Rader, Elizabeth M.		\$ 1,150,000
McNeill, Robert, IRA		\$ 680,000
Robert P. McNeill Insurance Trust dated 3/17/1968		\$ 1,266,395
Moshe I. Meidar IRA		\$ 500,000
Melvin N. & Marcia A. Grossman Family Trust	Grossman, Melvin	\$ 850,000
Merlis Green & Assoc. Defined Benefit Pension Plan	Merlis, Michael	\$ 375,000
Messer, Alan & Geraldine		\$ 500,000
Meyers, Leon	Myers, Leon	\$ 650,000
Leon Meyers ttee u/l/d 1/21/76 Ben Meyers Grantor		\$ 600,000
Michelsohn, Marie Louise		\$ 1,400,000
Michelsohn, Marie Louise and Michelson, Michelle JT		\$ 1,200,000
Miller, Lawrence		\$ 1,192,300
Miller, Lawrence		\$ 750,000
Miller, Lawrence IRA		\$ 580,438
Morris III, William H.		\$ 950,000
The Mosaic Fund L.P.	Myers, Leon	\$ 4,500,000
Mottaheh, Roy P		\$ 250,000
Mount Rainier LP	O'Brien, James	\$ 850,000
Multi-Dimensional Fund LP	Ehrlich, Richard	\$ 1,900,000
Muse, Albert C		\$ 400,000
Alexandra V. Muse Voluntary Trust dtd 1/5/87	Muse, Albert	\$ 470,000
Nancy C. Muse Voluntary Trust dtd 1/5/87	Muse, Albert	\$ 470,000
Musser, Hilary G.		\$ 250,000
Kathryn L. Nothacker Revocable Trust Number One v/a 5/02/1988		\$ 600,000
Pacific Peak Partners LP	Cunningham, Brian	\$ 500,000
Palm Beach Atlantic University	Gall, George	\$ 500,000
Parkland Investment Partners	Smith, Kyle P.	\$ 750,000
Pasternak Baum & Co Empl. /ee Profit Sharing Plan F/B/O Arthur Brainson	Brainson, Arthur	\$ 900,000
Jon T. Pawley IRA		\$ 250,000
Payson, Martin		\$ 150,000
Payson, Martin & Doris		\$ 250,000
Phoenician Trading Partners LP	Martin, James	\$ 1,800,000

**ATTACHMENT A**

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Investor Name	Alternate Contact	Loss Amount
<b>OFF-SHORE FUNDS</b>		
Anglo-Irish Bank (Suisse), SA	antonioiparatore@anglorishishbank.ch	\$ 1,405,000
BIM Alternative Investments SPR SGA Client High (Banca IMI Client)	kevin.gilleece@pfpc.ie	\$ 1,000,000
BNP Paribas Securities Services Luxembourg	Latuja, Anthony	\$ 4,000,000
DEA Capital Spa (Old CDB Web Tech Spa)	Moscatelli, Vittorio	\$ 1,500,000
Citco Global Custody NV 211070	Itoh, Yasuo	\$ 1,500,000
Citco Global Custody NV - Cash 102448	Costello, Ciara	\$ 435,000
Citco Global Custody NV 200158	Costello, Ciara	\$ 1,000,000
Citco Global Custody NV 210018 (for Infinity Capital SA)	Costello, Ciara	\$ 15,200
Citco Global Custody NV ref 190942 (Stratos Fund/R Callahan)	Costello, Ciara	\$ 1,000,000
Citco Global Custody Scala Fund of Funds (Gabelli)	Martina, Verrien	\$ 1,200,000
Citco Global NV (NA) for Select Multi Strategic Fund	Reine, Richelle La	\$ 3,000,000
Close Trustees fbo Meritage Investments	Juan Howland and Catherine Spencer	\$ 500,000
FAM Global (Fam Classic...)	Ng, Tom	\$ 650,000
Fortis Bank (Cayman) Ltd as Custodian of Tradex Global Master Fund	Beatti, Michael	\$ 500,000
Guernsey Ltd (Parity Investments)	McShea, Keith	\$ 1,000,000
Jewish Federation of Metro Chicago	Sinclair, Kent	\$ 4,000,000
Kredietbank S.A. Luxembourgeoise For Customers Account	LeVaillant, Jerry	\$ 1,715,000
MB Absolute Return Fund Ltd (via Butterfield)	Bloom, Mark E.	\$ 750,000
Meyers, Leon, MPP Plan	Meyers, Leon	\$ 850,000
Nephrology Asso PC Pension Plan / Dr Chaim Charytan	Charytan, Dr. Chaim	\$ 1,500,000
Pyxis Investment Strategies LLP (Stone Corporation)	Hamilton, Jay	\$ 6,000,000
Robinson & Co - a/c 0256883 (Focus Investment Group)	Jones, Annaliese	\$ 55,700
Sterling Stamos Growth (Offshore) Fund Ltd	Kanover Esq., Jared A.	\$ 97,000
Sterling Stamos Liquidity (Offshore) Fund	Kanover Esq., Jared A.	\$ 70,600
Sterling Stamos Security (Offshore) Fund Ltd	Kanover Esq., Jared A.	\$ 477,200
Bedell Trustees Ltd re: The M Wohl 1965 Discretionary Settlement	Hayer, Anita	\$ 500,000
Meyers, Leon M. (Fr Interest in Tremont Insurance)		\$ 672,488
Forevergreen Partners (Fr Interest in Tremont Insurance)	Doyle, David	\$ 502,512
Vestis Diversified International Ltd - OA2	Whelan, Constance	\$ 300,000
Wise Global	Lo, Florence	\$ 1,000,000
<b>Subtotal Offshore Claims</b>		<b>\$ 37,195,700.00</b>
<b>Total OnShore Funds &amp; Offshore Funds Claims</b>		<b>\$ 287,607,674.00</b>
  <b>General Victims</b>		
<b>Alternate Contact</b>		
ERF Hedge Fund LLC		\$ 357,500.00
Tom & Nancy Juda Living Trust		\$ 250,000.00
WAM Long/Short Partners	Hauswirth, Christopher	\$ 333,300.00
<b>Subtotal General Victims</b>		<b>\$ 940,800.00</b>

## ATTACHMENT A

Redeeming Victims- Altegris	Alternate Contact	Net Loss
		After Reimbursement
Bauer, Warren L & Lynda M		\$ 42,500.00
Dorothy H. Bjurstom Trust		\$ 42,500.00
Bonham, Ronald A & Leslie, Angela J		\$ 42,500.00
Brown, Douglas II		\$ 42,500.00
John C. Brunk Rollover IRA		\$ 42,500.00
Christen, Samuel E.	Allen, Richard M	\$ 468,502.00
Daedalus Financial Corporation	White, Charles E.	\$ 42,500.00
Eastman, Ronald E & Marilyn		\$ 17,000.00
Gardiner, Thomas		\$ 85,000.00
Gile-Ratcliff, Elizabeth S	Gile, Robert	\$ 42,500.00
Graves Family Partnership	Graves, William	\$ 125,000.00
Margaret J. Hartzler IRA		\$ 42,500.00
Hegewald, Gary & Judith		\$ 42,500.00
Horvath, Zoltan P & Marilyn D		\$ 78,200.00
Klein, Barrett & Claire		\$ 42,500.00
Lebowitz, Michael & Marilyn		\$ 175,000.00
The Richard A. Lewis & Robert D. Lewis Trust	Lewis, Richard	\$ 42,500.00
Antonia M. Marsden Revocable Trust	Marsden, Antonia	\$ 42,500.00
Meyer Investment Partners	Meyer, Paul	\$ 68,000.00
Morris Investment Company	Goldstein, Harold	\$ 34,000.00
Wesley E. Mudge Trust	Mudge, Wesley E	\$ 210,000.00
Overkill Investments Inc	Heinz, Clifford	\$ 34,000.00
Ratterman, Walter		\$ 42,500.00
Neal & Jean Ross Family Trust	Ross, Jean	\$ 42,500.00
Routt, J Robert		\$ 42,500.00
Inherited IRA of John Sammond	Denholm, Diane	\$ 329,624.00
Dale A. Sauser Trust	Sauser, Thomas	\$ 125,000.00
Raleigh L. Shaklee Trust	Shaklee, Lee	\$ 170,000.00
John J. Shea Jr.		\$ 125,000.00
Swanson, Thomas		\$ 42,500.00
Volunteer Limited Liability Co	Moss, Ted	\$ 42,500.00
John H. Waldock Trust	Waldock, John	\$ 42,500.00
Waldorff Family Trust	Waldorff, Charles	\$ 42,500.00
Chales Weidmer Trust	Weidmer, Charles	\$ 42,500.00
Weingart, Ronald & Jenyne		\$ 42,500.00
Wintsch Family Trust	Wintsch, Herbert	\$ 125,000.00
Wright Family Capital LP	Pierce, Alan K.	\$ 500,000.00
<b>Subtotal Redeeming Victims- Altegris</b>		<b>\$ 3,561,826.00</b>
Redeeming Victims- Lydian	Alternate Contact	Net Loss
		After Reimbursement
Bansal Foundation	Bansal, Vikesh	\$ 500,000.00
Gary N. Brown Revocable Trust	Brown, Gary	\$ 250,000.00
Canning Limited Partnership	Freedman, Julia & Mona	\$ 500,000.00
Ciconia & Co		\$ 380,000.00
Crowley, George		\$ 250,000.00
Dor Family LLC	Dor, Jay	\$ 500,000.00
Friesen, Gerald		\$ 250,000.00
Garfinkel, Eric & Diane		\$ 750,000.00
Kampf, Joseph & Barbara		\$ 400,000.00
Insight Multi-Strategy Fund, LLC	Boldman, Christopher	\$ 1,750,000.00
Meyer Mutual Fund LLC	Meyer, William	\$ 250,000.00
Terry A. Perl Revocable Trust	Perl, Terry	\$ 280,000.00
Schilit Family Partnership	Schilit, Howard & Diane	\$ 1,087,500.00
SGW Holdings LLC	Sedgwick, Theodore	\$ 530,000.00
Shangri-La LLC	Bansal, Vikesh	\$ 752,500.00
Small Family Trust	Small, Jeffrey	\$ 500,000.00
Jewish Federation of Greater Washington	Galperin, Mikhail David	\$ 1,000,000.00
Wolford, Douglas		\$ 250,000.00
Wolford, Karen		\$ 250,000.00
<b>Subtotal Redeeming Victims- Lydian</b>		<b>\$ 10,430,000.00</b>

## ATTACHMENT A

Redeeming Victims- KRA	Alternate Contact	Net Loss
		After Reimbursement
Gary Frank IRA		\$ 125,000.00
Robert Futterman IRA		\$ 153,460.00
Roseanne Luculano IRA		\$ 150,000.00
Howard Kra IRA		\$ 150,000.00
Siegel, Bradley & Jill		\$ 125,000.00
Siegel, Lawrence		\$ 125,000.00
<b>Subtotal Redeeming Victims- KRA</b>		<b>\$ 828,460.00</b>
Redeeming Victims- TAG	Alternate Contact	Net Loss
		After Reimbursement
PCM Multistrategy LP	Peltz, Andrew	\$ 1,616,500.00
Rothfeld, Eric & Harriet		\$ 915,000.00
TAG Master Hedged Equity Fund LLC	Gonzalez, Jorge	\$ 2,928,000.00
Tr Agmnt Deferral Plan Sr Exec Officers of Triarc Cos Inc - Mr Nelson Peltz	Machamer, Ginny	\$ 721,081.00
Tr Agmnt Deferral Plan Sr Exec Officers of Triarc Cos Inc - Mr Peter May	Machamer, Ginger	\$ 360,541.00
<b>Subtotal Redeeming Victims- TAG</b>		<b>\$ 6,541,122.00</b>
<b>Total All Losses</b>		<b>\$ 309,909,882.00</b>